

**HOUSE JOURNAL
63RD LEGISLATURE
FORTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana
March 6, 2013

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker presiding. Invocation by Representative Bangerter. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Doane, Halvorson and McNally excused. Quorum present.

BILLS (O'Hara, Chair): 3/6/2013

Correctly printed: **HB 313, HB 465, HB 581, SB 41, SB 43, SB 104, SB 123, SB 164.**
Correctly engrossed: **HB 39.**

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Berry, Chair): 3/6/2013
SB 104, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

March 1, 2013

The Honorable Mark Blasdel
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Speaker Blasdel:

Please be informed that I have signed **House Bill 77** sponsored by Representative Ingraham on March 1, 2013.

Sincerely,

STEVE BULLOCK
Governor

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March 5, 2013

The Honorable Mark Blasdel
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Blasdel and President Essmann,

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto HB 18, "AN ACT CLARIFYING THE DISTRIBUTIONS AND AMOUNTS TO BE TRANSFERRED FROM THE STATE GENERAL FUND TO THE RESEARCH AND COMMERCIALIZATION STATE SPECIAL REVENUE ACCOUNT; AMENDING SECTIONS 7-14-112, 10-2-112, 10-2-603, 10-3-801, 15-1-122, AND 15-35-108, MCA; AND PROVIDING AN EFFECTIVE DATE."

HB 18 was introduced at the recommendation of the Legislative Finance Committee to clarify the distribution mechanism for fund transfers from the general fund to the research and commercialization state special revenue account. HB 18 is an internal accounting fix that does not change the statutory appropriation to the research and commercialization state special revenue account. This technical fix unfortunately creates a conflict with HB 454 which will use spendable interest from the Permanent Fund of the Coal Tax Trust to help offset the costs of local governments. The Board of Research and Commercialization plays an important role in ensuring that work done at the Montana University System can translate into the market place, which is why I've proposed maintaining present law funding for the board in my Executive Budget.

As outlined in the budget I submitted to the Legislature, I believe we have an obligation to address our long-term liabilities and honor the promises made by our predecessors. This obligation includes fixing our retirement systems. HB 454, which is supported by a broad coalition including public employers and employees from across Montana, will temporarily increase employee and employer contributions to the public employee retiree system until the system is determined to be actuarially sound. It utilizes some of the spendable interest from the Permanent Fund of the Coal Tax Trust, coal severance tax revenues and state land revenues to assist local governments in meeting their financial obligations. Article VIII, section 15 of the Montana Constitution compels us to act, and HB 454 provides a comprehensive solution of shared sacrifice to shore up our public employee retirement system without raising taxes.

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Because HB 18 interferes with the comprehensive proposal to bring our retirement systems back to sound actuarial footing, I respectfully request that you sustain my veto.

Sincerely,

STEVE BULLOCK
Governor

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 581, introduced by Hansen, G. Bennett, referred to Taxation.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Vance moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Kary in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 39 - Representative McChesney moved **HB 39**, do pass.

HB 39 - Representative McChesney moved **HB 39**, second reading copy, be amended as follows:

1. Page 2, line 7.

Strike: "state or"

2. Page 2, line 8.

Strike: "state or"

3. Page 3, line 13.

Following: "∴"

Insert: "as follows:

(a) 70% of the excess amount must be remitted to the state to be deposited in the guarantee account provided for in 20-9-622; and

(b) 30% of the excess amount must be remitted"

4. Page 4, line 13.

Following: "ALLOCATED"

Insert: "as follows:

(a) 70% of the excess amount must be remitted to the state to be deposited in the

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guarantee account provided for in 20-9-622; and
(b) 30% of the excess amount must be remitted"

Amendment adopted as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.
Total 100

Nays: None.
Total 0

Voted Absentee: Doane, Halvorson, McNally, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 39 - Representative McChesney moved **HB 39**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.
Total 98

Nays: Kerns, O'Neil.
Total 2

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Voted Absentee: Doane, Halvorson, McNally, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 263 - Representative Ingraham moved **HB 263** do pass. Motion **failed** as follows:

Yeas: Berry, Clark, Connell, Cook, Edmunds, Flynn, Harris, Hoven, Howard, Ingraham, Jones, Kerns, Knudsen, Lang, Moore, O'Hara, Osmundson, Redfield, C. Smith, Warburton, Washburn, Zolnikov.

Total 22

Nays: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Coffin, Court, Cuffe, Curtis, Doane, Dudik, Eck, Ehli, Fiscus, Fitzpatrick, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Hertz, Hill, Hollandsworth, Hollenbaugh, Hunter, Jacobson, Kary, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Neill, Noonan, O'Neil, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Mr. Speaker.

Total 78

Voted Absentee: Doane, Halvorson, McNally, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 313 - Representative Schreiner moved **HB 313** do pass. Motion carried as follows:

Yeas: Bangerter, B. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Clark, Coffin, Connell, Cook, Court, Curtis, Dudik, Eck, Ehli, Fitzpatrick, Greef, Gursky, Hagan, Hagstrom, Hansen, Hertz, Hill, Hollenbaugh, Hoven, Hunter, Jacobson, Kary, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Moore, Neill, Noonan, O'Hara, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Regier, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, Squires, Steenberg, Swanson, Wagoner, Washburn, Whitford, Williams, Wilmer, Wilson, Woods.

Total 67

Nays: Ankney, Ballance, J. Bennett, Brodehl, Cuffe, Doane, Fiscus, Flynn, Galt, Gibson, Glimm,

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Total 32

Voted Absentee: McNally, Aye; Doane, Halvorson, No.

Excused: None.

Total 0

Absent or not voting: Edmunds.

Total 1

HB 465 - Representative Blyton moved **HB 465** do pass. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, Berry, Blyton, Boland, Brockie, Clark, Coffin, Connell, Cook, Curtis, Doane, Dudik, Ehli, Flynn, Gibson, Greef, Gursky, Hagan, Halvorson, Hansen, Hertz, Hollandsworth, Hoven, Howard, Ingraham, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McChesney, McClafferty, McNally, Mehlhoff, Neill, Noonan, O'Hara, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Regier, Schreiner, Schwaderer, Shaw, Squires, Steenberg, Swanson, Vance, Warburton, Washburn, Wilson, Woods.

Total 60

Nays: J. Bennett, Boss Ribs, Brodehl, Court, Cuffe, Eck, Edmunds, Fiscus, Fitzpatrick, Galt, Glimm, Hagstrom, Harris, Hill, Hollenbaugh, Hunter, Jacobson, Jones, Kary, Kerns, Knudsen, McCarthy, McNiven, Miller, Moore, O'Neil, Randall, Redfield, Reichner, Salomon, B. Smith, C. Smith, Wagoner, Welborn, White, Whitford, Williams, Wilmer, Zolnikov, Mr. Speaker.

Total 40

Voted Absentee: Doane, Halvorson, McNally, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 41 - Representative Hagan moved **SB 41** be concurred in. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, J. Bennett, Berry, Blyton, Brodehl, Clark, Connell, Cook, Cuffe, Doane, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, McNiven, Mehlhoff, Miller, Moore, O'Hara, O'Neil, Osmundson, Randall, Redfield, Regier, Reichner, Salomon, Shaw, C. Smith, Vance,

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Wagoner, Warburton, Washburn, Welborn, White, Zolnikov, Mr. Speaker.

Total 61

Nays: B. Bennett, Boland, Boss Ribs, Brockie, Coffin, Court, Curtis, Dudik, Eck, Gursky, Hill, Hollenbaugh, Hunter, Jacobson, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Neill, Noonan, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Schreiner, Schwaderer, B. Smith, Squires, Steenberg, Swanson, Whitford, Williams, Wilmer, Wilson, Woods.

Total 39

Voted Absentee: Doane, Halvorson, Aye; McNally, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 43 - Representative Wagoner moved **SB 43** be concurred in. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.

Total 99

Nays: O'Neil.

Total 1

Voted Absentee: Doane, Halvorson, McNally, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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SB 123 - Representative Welborn moved **SB 123** be concurred in. Motion carried as follows:

Yeas: Ankney, Bangerter, B. Bennett, Blyton, Boland, Boss Ribs, Brockie, Clark, Coffin, Connell, Cook, Court, Curtis, Dudik, Eck, Ehli, Fiscus, Flynn, Galt, Gibson, Greef, Gursky, Hagan, Hagstrom, Hansen, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Kary, Lang, Laszloffy, Lavin, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Mehlhoff, Moore, Neill, Noonan, O'Hara, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, Squires, Steenberg, Swanson, Washburn, Welborn, Whitford, Williams, Wilmer, Wilson, Woods, Mr. Speaker.
Total 75

Nays: Ballance, J. Bennett, Berry, Brodehl, Cuffe, Doane, Edmunds, Fitzpatrick, Glimm, Halvorson, Harris, Jones, Kerns, Knudsen, Lenz, McNiven, Miller, O'Neil, C. Smith, Vance, Wagoner, Warburton, White, Zolnikov.
Total 24

Voted Absentee: McNally, Aye; Doane, Halvorson, No.

Excused: None.
Total 0

Absent or not voting: Osmundson.
Total 1

SB 164 - Representative Regier moved **SB 164** be concurred in. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.
Total 100

Nays: None.
Total 0

Voted Absentee: Doane, Halvorson, McNally, Aye.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Vance moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker presiding. Chair Kary moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.

Total 96

Nays: Lang.

Total 1

Voted Absentee: None.

Excused: Doane, Halvorson, McNally.

Total 3

Absent or not voting: None.

Total 0

MOTIONS

Majority Leader Vance moved **HB 39** be moved from the Committee of the Whole to the Appropriations committee.

Majority Leader Vance moved **SB 43** be moved from the Committee of the Whole to the Appropriations committee.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

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Representative Vance moved that the House adjourn until 1:00 p.m., Thursday, March 7, 2013.
Motion carried.

House adjourned at 2:35 p.m.

LINDSEY GROVOM
Chief Clerk of the House

MARK BLASDEL
Speaker of the House